

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *gk* D.C.
05 JUN 13 PM 3:3

WILLIAM P. FAULKNER,

Plaintiff,

vs.

GEORGE JONES,

Defendant.

X
X
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X
X
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X
X
X

No. 04-2974-D/An

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

Plaintiff William P. Faulkner, Wisconsin Department of Corrections prisoner number 244067, an inmate at the Stanley Correctional Institution in Stanley, Wisconsin, filed a pro se complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the Western District of Wisconsin on June 24, 2004 in connection with his previous confinement at the Whiteville Correctional Facility ("WCF") in Whiteville, Tennessee. Plaintiff paid the civil filing fee. After screening the complaint pursuant to 28 U.S.C. § 1915A, District Judge Barbara B. Crabb issued an order on July 26, 2004 authorizing service on George Jones, a unit manager at the WCF, and dismissing the complaint with respect to all other defendants.

On October 12, 2004, Jones, through counsel, filed a motion seeking dismissal of the complaint on the grounds, inter alia, of lack of personal jurisdiction and improper venue. Plaintiff filed his response to the motion on October 21, 2004. Defendant filed a reply

on November 27, 2004. Judge Crabb issued an order on November 22, 2004 transferring the action, pursuant to 28 U.S.C. § 1404(a), to the Eastern Division of this district. The action was docketed in the Western Division of this district on November 28, 2004. On January 7, 2005, defendant Jones filed a motion, pursuant to Fed. R. Civ. P. 12(b)(3), seeking a change of venue to the Eastern Division, where the WCF is located.¹ Plaintiff has not responded to this motion, and the time for a response has expired.

For good cause shown, the defendant's motion to dismiss is GRANTED. The Clerk is ORDERED, forthwith, to transfer this case to the United States District Court for the Western District of Tennessee, Eastern Division.

IT IS SO ORDERED this 10th day of June, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE

¹ The motion was also filed by the Corrections Corporation of America even though the July 26, 2004 order dismissed the claims against that party.



Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 2:04-CV-02974 was distributed by fax, mail, or direct printing on June 14, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT